
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

LISA BRADSHAW ROWBERRY,

Defendant.

**MEMORANDUM DECISION AND
ORDER DENYING REQUEST FOR
BENCH TRIAL**

Case No. 2:20-CR-214-DB

District Judge Dee Benson

Before the Court is Defendant Lisa Bradshaw Rowberry's Request for Bench Trial wherein Defendant "waives her right to a jury trial" and asks this Court to "schedule this matter for a bench trial." (Dkt. 88.) The United States responds by correctly pointing out that Defendant has failed to provide any basis, support, or relevant authority for this request. (Dkt. 90.)

Here, Defendant's request fails to meet the standard under Rule 23(a). For a jury trial to be waived, Rule 23(a) requires that: "(1) the defendant waives a jury trial in writing; (2) the government consents; and (3) the court approves." *See* Fed. R. Crim. P. 23(a); *see also Singer v. United States*, 380 U.S. 24, 35 (1965) ("[A] defendant cannot waive a jury trial without the consent of the prosecutor and judge."). Here, "[t]he United States has not, and does not intent to consent to a bench trial." (Dkt. 90 at 2.) Thus, the requirements of Rule 23(a) are not met.

For the foregoing reasons, Defendant's Motion is hereby DENIED.

DATED this 19th day of November, 2020.

BY THE COURT:



Dee Benson

United States District Judge